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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,456	09/02/2004	Pierre Matz	258194US0PCT	1788

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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01/16/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/505,456

Applicant(s)

MATZ ET AL.

Examiner

Jeff H. Aftergut

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,5 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.K. 2,276,584 in view of Kile for the same reasons as expressed in paragraph 3 of the Office action dated September 4, 2007.
3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with Foglia for the same reasons as expressed in paragraph 4 of the Office action dated September 4, 2007.

Response to Arguments

4. Applicant's arguments filed December 4, 2007 have been fully considered but they are not persuasive.

The applicant is advised that the reference to PCT '589 has been removed from the prior art rejection as the verified and certified translation has perfected the applicant's priority claim and the applicant's priority document does recite the claimed invention (applicant is afforded priority to the date of the claimed priority under 35 USC 119).

However, the rejection combining the references to UK '584 with Kile has not been overcome. The applicant essentially argues that: (1) UK '584 failed to teach an unoriented support and the provision of an oriented tape, and; (2) Kile failed to disclose a tape having an oriented layer which was transparent to radiation and an absorptive layer. The applicant is advised that one cannot show non-obviousness by attacking

references individually where combinations of references have been applied. Regarding the applicant's first argument, it should be noted that the reference to UK '584 clearly disclosed an unoriented core of plastic material (the core of plastic must either be oriented or unoriented and since the reference did not expressly state that one oriented the same it is safe to assume that the core therein was unoriented). The reference clearly suggested that the tapes included a layer of plastic material which was transparent to radiation (the plastic material being polyethylene) and a layer of radiation sensitive material associated with each tape and applied thereto in a manner which allowed for the tapes to reach their fusion temperature at the interfaces without overheating or degradation of the layers. It is correct that UK '584 failed to teach that these polyethylene transparent layers were oriented, however it should be noted that the purpose for their application to the plastic cores therein was to reinforce the cores.

Kile clearly envisioned that those skilled in the art would have applied a tape about an unoriented support wherein the tape was clearly oriented in the operation in order to attain a superior result (as opposed to using a metal about the conduit which has a weight disadvantage). By use of oriented tapes in the operation of Kile, one was able to provide the conduit which was protected against shrapnel, fragments or projectile penetration. Thus, one skilled in the art viewing Kile would have understood that in UK '584 it would have been desirable to orient the tapes employed therein in order to provide the support with enhanced reinforcement and/or impact resistance. The reference to Kile included as the useful polymers therein a polyethylene material, see column 3, lines 22-25. The reference did additionally envision that the wound oriented

tapes were bonded to the support onto which they were wound. While Kile did not envision the use of a layer of pigment which was susceptible to radiation wherein the polyethylene oriented layer was transparent to the radiation, he need not teach this. The reference to UK '854 suggested the use of polyethylene which was transparent to the radiation along with the layer of radiation sensitive pigment thereon. The artisan would have understood that polyethylene was clearly radiation transparent and that the incorporation of pigment in the same as a layer would have resulted in the absorption of the radiation in that layer. TO orient the polyethylene tapes of UK '854 in light of the teachings of Kile would have been obvious to one of ordinary skill in the art when considering the prior art as a whole for what it would have fairly suggested to the ordinary artisan.

No claims are allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

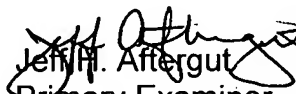
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeff H. Aftergut
Primary Examiner
Art Unit 1791

JHA
January 9, 2008